

IN NEW YORK CITY on Sunday a jury of nine men and three women found John Mitchell and Maurice Stans not guilty on nine counts each of lawbreaking that had been charged by a federal grand jury. And that is that. The fact that many people had supposed the verdict would go the other way has no bearing and no standing. It had no bearing and no standing when Angela Davis was acquitted or when most of the "Harrisburg 7" went free or when any of a host of less celebrated defendants in criminal cases prevailed in court—and it has none now. The prosecution evidently was not able to produce evidence sufficient to persuade the jurors "beyond a reasonable doubt" that Mr. Stans and Mr. Mitchell had committed the crimes with which they were charged; and, that being the case, everyone should be grateful that the jurors acted as they did. It is what our system of criminal justice is all about.

If you accept, as we do, the premise that the verdict of "not guilty" is final and absolute where the specific allegations against these two men are concerned, you will also be more than a little reluctant to see it adorned with corollaries—as, for example, that the credibility of prosecution witnesses in subsequent cases has been fatally undermined or that somehow the failure of the U.S. Attorney's office in New York to prove perjury and conspiracy in this particular case suggests that other defendants in other criminal cases probably did not do what they are accused of either. The plausibility of John Dean's testimony seems to be a central feature of these speculations, but we would advise caution. It has been more than a year now since Mr. Dean, the President's former special counsel and a principal in the Watergate cover-up, first began cooperating with the authorities. And since that time a very great deal of what he revealed to them has been borne out and corroborated. Again, even as the conviction of Mr. Nixon's former appointments secretary, Dwight Chapin, obviously had no implications for this weekend's verdict in the Vesco case, so the acquittal of Mr. Mitchell and Mr. Stans can hardly be thought to have decisive implications for the adjudications yet to come.

Of these, far and away the most important is that which is not taking place in any courtroom, but rather within the confines of Congress. And if we may be permitted an exception to our own rule concerning the ramifications of the Mitchell-Stans verdict, we would say that one corollary does proceed from the experience of that case and that it bears on the impeachment proceedings now under way. The New York jurors, by their own account, were forced into the difficult and unenviable position of having to choose between the conflicting verbal assurances and recollections of a parade of suspect witnesses and—according to some—to rest their final judgment on intuition and guess. Although they finally voted unanimously for acquittal, the thing doesn't always work that way. And the lesson for Mr. Nixon, it seems to us, and for all who are concerned with ensuring the fairness of the impeachment process, is that documentary evidence, where available, should be produced to help arbitrate precisely this kind of dispute. The written (or taped) record is, of course, also subject to varying interpretations, but it can shed invaluable light on a situation that is the object of sharp controversy between witnesses who can offer only their "best recollection." By that we mean authentic original taped and other documentary evidence—not White House prepared and edited transcripts such as the President offered last night.

When you read of the apparent elation at the White House that two former Nixon cabinet members, who had been indicted for federal crimes, were now acquitted, you get some measure of how far we have come as a nation in our fall from political grace and how little it takes these days to inspire joy: Happiness is an acquitted Attorney General. We would suggest that for the White House the real message should be that the vagaries of human nature as they are reflected in conflicting testimony constitute a pretty slim (and chancy) reed on which to rest a case. For the rest of us the message of importance is fairly simple and absolutely clear. It is that Mr. Mitchell and Mr. Stans have been found not guilty.